

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application

) REISSUE PATENT APPLICATION

Inventor: Richard Chao

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Reissue Application No.: Unknown

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Art Unit: Unknown

Filed: Herewith

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Examiner: Unknown

Patent No.: 5,568,207

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Title: AUXILIARY LENSES FOR
EYEGLASSES

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 C.F.R. §1.10

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Peter P. Tong

Signature Date: October 21, 1998..

(Signature)

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

Enclosed with this statement are the following:

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of U.S. applications, 37 C.F.R. §1.98(a)(2)(iii), and copies are not

submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. §1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. 57 F.R. 2021 (1/17/92). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. §1.98(c).

This statement should be considered because:

___ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within 3 months of the application filing date;
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office action on the merits,
whichever occurs last.

X Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action and before a Notice of Allowance (whichever occurs first)

-- AND (check at least one of the following) --

- X (1) It is accompanied by the \$240 fee set forth in 37 C.F.R. §1.17(p)
-- OR --
- ___ (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e)

___ Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);
-- AND --
- (2) It is accompanied by a PETITION TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d);
-- AND --
- (3) It is accompanied by the \$130 fee set forth in 37 C.F.R. §1.17(i)(1);
-- AND --
- (4) The Issue Fee has not yet been paid.

X **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

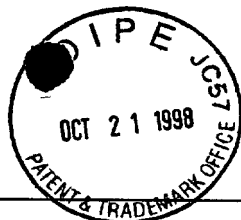
Respectfully submitted,

FLIESLER, DUBB, MEYER & LOVEJOY LLP

Date: Oct. 21, 1998

By: Peter P. Tong
Peter P. Tong
Reg. No. 35,757

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10/21/98-14:58



Form PTO-1449 (Substitute)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Attorney Docket Number CONT1013SRM/PPT		Serial/Patent Number Unknown	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				Applicant/Patent Owner David Yinkai Chao			
				Filing/Issue Date Herewith		Group Art Unit Unknown	
U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date
#M		4,070,103	1/24/78	Meeker	351	52	
#M		5,642,177	6/24/97	Suncova Nishioka	351	47	
FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Country	Class	Subclass	Trans- lation Yes No
#M		G 85 07 761.5	June, 1985	Germany			X
#M		G 88 06 898.6	October, 1988	Germany			X
#M		2-109325	August, 1990	Japan			X
#M		7-128620	May, 1995	Japan			X
#M		76,209,045	September, 1976	China			X
#M		WO 90/09611	August, 1990	PCT			X
#M		1,061,253	April, 1954	Europe France			X
OTHER DOCUMENTS (Include Author, Title, Date, Pertinent pages, etc.)							
#M		Documents describing Twincome in a Patent Opposition Proceeding in Germany initiated by Pentax, on or around April 30, 1997.					
Examiner <u>Mai</u>				Date Considered <u>6/30/99</u>			
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							
*1 = Copy not submitted because it was submitted in prior application SN <u>/</u> , filed <u></u> , 19 <u></u> .							
*2 = Copy not submitted because it was submitted in prior application SN <u>/</u> , filed <u></u> , 19 <u></u> .							

REMARKS

The following Remarks are supplied as part of or in supplement to this Information Disclosure Statement.

Recently, a number of references have surfaced. As will be discussed below, those references should not have affected the allowability of the application as claimed.

Altogether tens sets of publications are submitted. All of them, except the last two, appears to describe magnetic coupling at the plane of the lenses. The second to the last set does not even seem to describe magnets as means for attachment. The last set is from an opposition proceeding initiated by Pentax Vision Company Limited ("Pentax").

1. The Meeker Patent

U.S. Patent number 4,070,103, by Meeker was issued on January 24, 1978 ("the Meeker Patent"). It describes attachable-rim covers to a spectacle unit. One attachment approach is by magnetic strips, with magnetic coupling seeming to occur on the plane of the lenses.

2. The First German Patent Application

German patent number G 85 07 761.5, has a publication date of June 13, 1985 ("the First German Patent Application"). As shown by its figures and a translation of its summary in its page 10, it describes a spectacle frame that is composed of two parts--detachable lenses and a frame. Lenses can be exchanged and attached on the frame magnetically. However, magnetic coupling again seems to occur on the plane of the lenses.

A paragraph (page 5, lines 14 to 18) in the Application was called to Applicant's attention. As shown in a translation of that paragraph, Applicant believes, it describes a form-fitting seal such as for alignment purposes, and should not have any relevancy to the allowability of the claims.

3. The Second German Patent Application

German patent number G 88 06 898.6, has a publication date of October 27, 1988 ("the Second German Patent Application"). As shown by its figures and its English translation the Application seems to describe attaching auxiliary frames to primary frames based on strips of magnetic materials. Again, magnetic coupling seems to occur on the plane of the lenses.

4. The First Japanese Patent Application

Japanese patent number 2-109325, has a publication date of August 31, 1990 ("the First Japanese Patent Application"). Based on the translated text and the figures, magnetic coupling again seems to occur at the plane of the lenses, and seems to be located close to the temple regions.

5. The Second Japanese Patent Application

Japanese patent number 7-128620, has a publication date of May 19, 1995 ("the Second Japanese Patent Application"). As shown by its figures and the official translation of its abstract, the Application seems to describe sunglasses with magnets close to the temple regions of a primary and an auxiliary frame. There also seems to be a hinge at the bridge of the auxiliary frame. Again, magnetic coupling appears to occur at the plane of the lenses.

6. The Sunreeve Patent

U.S. Patent number 5,642,177 by Sunreeve was issued on June 24, 1997 ("the Sunreeve Patent"). This Patent seems to cover subject matter similar to the above Japanese Application No. 7-128620.

7. The Chinese Patent

Chinese patent number 76,209,045, has an application date of September 16, 1976 ("the Chinese Patent"). As shown in its figures and a translation of its abstract on page 2, the Patent seems to describe attaching auxiliary frames to primary frames through magnets. Magnetic coupling again appears to occur at the plane of the lenses.

8. The PCT Patent

The PCT patent number WO 90/09611, has a publication date of August 23, 1990 ("the PCT Patent"). As shown in its figures and its English translation, the Patent again seems to describe attaching auxiliary frames to primary frames through magnets. Magnetic coupling again appears to occur at the plane of the lenses.

9. The French Patent

French patent number 1,061,253, has a publication date of April 12, 1954 ("the French Patent"). As shown in its English translation, the Patent seems to describe attaching auxiliary frames to primary frames based on pins and hooks, bent in opposite directions. There does not seem to be any discussion on attachment schemes based on magnets.

10. Twincome from Pentax

Pentax has initiated a patent opposition proceeding in Germany, challenging another one of Applicant's invention. In it, Pentax included a number of publications, and alleged that they described their product, Twincome. According to a Pentax declaration in the opposition, Pentax had made Twincome public before November 7, 1995. Applicant is challenging the opposition. However, just in case the Examiner might consider the materials in the opposition relevant to the allowability of Applicant's patent application, Applicant has included in this last set of publications, disclosures asserted by Pentax to be public information on Twincome.

According to Pentax, this last set of publications describes Twincome, which has magnets at the temples of a spectacle frame.

Applicant believes that none of the above sets of publications, singly or in any combination, teaches Applicant's claimed invention. Thus, these publications should not have affected the allowability of Applicant's patent application.

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